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11
12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 SHAVONDA HAWKINS, on behalf of
15 herself and all others similarly situated,

16 Plaintiff,

17 vs.

18 THE KROGER COMPANY,

19 Defendant.
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Case No. 3:15-cv-2320-JM-AHG
Assigned to the Hon. Jeffrey T. Miller

**KROGER'S EVIDENTIARY
OBJECTIONS IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

*[Opposition and Declaration of Jacob
M. Harper and exhibits Filed
Concurrently]*

Date: January 4, 2021
Time: 10:00 a.m.
Dept.: 5D

Action Filed: October 15, 2015

KROGER'S EVIDENTIARY OBJECTIONS TO PLAINTIFF'S EVIDENCE

Exhibit No.	Description	Kroger's Objections	Ruling
7	Julie Louise Gerberding, <i>Safer Fats for Healthier Hearts: The Case for Eliminating Dietary Artificial Trans Fat Intake</i> , 151 Ann. Intern. Med. 137–138 (2009)	(i) <u>Lacks Foundation</u> , Plaintiff Shavonda Hawkins does not lay sufficient foundation for this article, which is written by a non-testifying author. (ii) <u>Hearsay</u> , Fed. R. Evid. 800, 801. The document is inadmissible hearsay (and Hawkins has not laid the foundation, nor can she, for an exception under Fed. R. Evid. 803(18)). (iii) <u>Expert Testimony</u> , Fed. R. Evid. 702 & <i>Daubert</i> . The article purports to present information that is only the proper subject of expert testimony and must therefore meet the stringent requirements for	Sustained _____ Overruled _____

Exhibit No.	Description	Kroger's Objections	Ruling
		expert witness testimony under Fed. R. Evid. 702 and <i>Daubert</i> .	
N/A, but cited throughout Hawkins's Motion (Dkt. 186-4 at Ex. 15)	Expert Report of Dr. Nathan Wong	(i) <u>Expert Testimony</u> , Fed. R. Evid. 702 & <i>Daubert</i> . The proffered expert testimony of Dr. Nathan Wong, as disclosed in his expert report, should be excluded for the reasons laid out in Kroger's Motion to Exclude Expert Testimony of Nathan Wong (Dkt. 185, 186).	Sustained _____ Overruled _____

DATED: December 4, 2020

DAVIS WRIGHT TREMAINE LLP

By: /s/ Jacob M. Harper

Jacob M. Harper

*Attorneys for Defendant
The Kroger Company*

CERTIFICATE OF SERVICE

Shavonda Hawkins v. The Kroger Company

U.S.D.C. Southern District of California Case No. 3:15-cv-2320-JM-BLM

I the undersigned, declare:

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017.

On December 4, 2020, I served true copies of the following documents described as:

**KROGER'S EVIDENTIARY OBJECTIONS IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

on the interested parties in this action as follows:

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the documents with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 4, 2020, at Los Angeles, California.

/s/ Jacob M. Harper

Jacob M. Harper